




"Jokela, Brett"
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12/16/2009 12:46 PM

To Lisa Olson/R10/USEPA/US@EPA
cc "Spano, Mark M." <Mark.Spano@awwu.biz>
bcc
Subject Non-Federal Representative

History:  This message has been replied to.

Lisa -

Per our discussion, I am attaching a copy of a letter requesting designation of AWWU as your non-federal representative for development of the biological evaluation of the proposed reauthorization of the Asplund WPCF discharge permit.

The hardcopy original is in the mail.

Thanks for your consideration of this matter.

- Brett

J. Brett Jokela, P.E.

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NonFedRep_Request.pdf



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Mayor Dan Sullivan

December 16, 2009

Michael J. Lidgard, Manager
NPDES Permits Unit
US EPA Region 10,
Office of Water and Watersheds
1200 Sixth Avenue, M/S OWW130
Seattle, WA 98101-3140

Re: Request for Designation as EPA's Non-Federal Representative

Dear Mr. Lidgard:

Anchorage Water and Wastewater Utility (AWWU) operates the John M. Asplund Water Pollution Control Facility, which discharges wastewater to Cook Inlet at Point Woronzof, Alaska, in accordance with NPDES Permit No. AK-0002255-1. In January of 2005, AWWU applied for reauthorization of the permit with continuation of the modifications allowed by Section 301(h) of the Clean Water Act with the Environmental Protection Agency (EPA). Fish and wildlife species listed as threatened or endangered under the Endangered Species Act (ESA) are known to occur in the Project area, namely the Cook Inlet beluga whale. Accordingly, consultation with the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA is required in connection with the re-issuance of the permit for this discharge.

On May 11, 2009, EPA identified AWWU as the "applicant" for the permit renewal, providing certain opportunities for AWWU communications with EPA and NMFS. Through our continued communication, we have contracted with a firm to assist in compilation and analysis of environmental information to support your consultation effort. At present our formal mandate from EPA to proceed with this effort is vague.

Therefore, pursuant to interagency cooperation regulations at 50 CFR §402.08, AWWU requests that EPA further designate AWWU as its non-federal representative for purposes of conducting informal consultation with NMFS and to prepare the biological evaluation necessary to comply with Section 7 of the ESA. Federal regulations require EPA supervision and review and evaluation of the biological assessment prepared by the non-federal representative and do not absolve EPA's ultimate responsibility for compliance with Section 7.

We would appreciate an immediate response to this request so we can continue our efforts at preparing the biological evaluation. If you have questions concerning this request, please call me at 907-786-5511.

Sincerely,

J. Brett Jokela, P.E.
Assistant General Manager

cc: Lisa Olson